

MINUTES OF MEETING OF THE BOARD OF DIRECTORS
OF BEACH EROSION AUTHORITY
FOR CLEAN OCEANS AND NOURISHMENT
(B.E.A.C.O.N.)

June 4, 2004

A meeting of the Board of Directors of Beach Erosion Authority for Clean Oceans and Nourishment ("B.E.A.C.O.N.") was held on Friday, June 4, 2004, at Carpinteria City Hall, Carpinteria, California. Chair Rose called the meeting to order at 9:00 a.m. The following members were present at roll call:

Susan Rose	Chair, Supervisor, County of Santa Barbara
Naomi Schwartz	Supervisor, County of Santa Barbara
Jon Sharkey	Council member, City of Port Hueneme
Brian Brennan	Mayor, City of San Buenaventura
John Flynn	Supervisor, County of Ventura
John Zaragoza	Council member, City of Oxnard
Das Williams	Council member, City of Santa Barbara

Staff, B.E.A.C.O.N. advisors and representatives for legislative officers who were present or spoke were:

Kevin Ready, County Counsel, Senior Deputy
Karl Triberg, Santa Barbara County Flood Control
Steven Aceti, California Coastal Coalition
Gerald Comati
James L. Bailard
Gregory Burns, Marlowe & Company
Mercy Griego, Auditor's Office, County of Ventura
Susie Ming, U.S. Geological Survey
Lilli Armitage, as secretary

ITEM 1: **Call to order.** Chair Rose called the meeting to order at 9:00 a.m.

ITEM 2: **Approval of Agenda and Filing Certificate of Agenda Posting.** A motion for approval was made by Council member Sharkey, seconded by Supervisor Flynn. Motion passed unanimously.

ITEM 3(a): **Consideration and Approval of Minutes for February 13, 2004.** Motion passed, 6 in favor, 1 abstention. (Councilmember Zaragoza abstained, as he was not present at the February 13, 2004 meeting.).

ITEM 3(b): **Consideration and Approval of Minutes for April 9, 2004.** Mayor Brennan had a correction of Item 6, page 4. 2.7 Million dollar figure is prior year budget; Fund balance is \$17,358. With this correction, April 9, 2004 Minutes were unanimously approved by voice vote.

After some discussion of two different styles of Minutes recently submitted, consensus was that the more formal style is preferred.

ITEM 4: **Public Comment and Other Reports**

Steve Aceti, California Coastal Coalition, Update:

(1) "Headlands to Oceans (H2O) 2004," Long Beach Westin, October 28-30. There was a lot of positive feedback after last year's meeting, and people wanted to go back to that location. California Shore and Beach Preservation Association and CalCoast are the main organizers. Last year the Wetlands Recovery Project and the Society of Wetlands Scientists, Southwest Chapter, joined in. This year, another organizer will be the L.A. San Gabriel River's Watershed Council. The website for the event is www.coastalconference.org. Last year's power-point presentations are all posted on the website. Deadline for summations for presentations for the conference is the end of July. Some people are submitting an abstract and are asking to be placed on a panel that fits their topic, or you can put an entire panel together yourself.

(2) AB 2665 (Leslie) Amended to Save Beach Restoration Funding. With the budget the way it is, it's a real feeding frenzy, moneywise, and we cautioned people to look for new sources of money, but keep a very close eye on the existing sources, because people are going to go after other people's pots. There was a bill from Harbors and Marina interests that was trying to stop Boating and Waterways from using the Harbors and Watercraft Revolving Fund for beach studies and projects. We met with the author and sponsors and we were able to get that taken out of the bill.

(3) ASBPA Call for Presentations Deadline is May 31, 2004, but they're still accepting abstracts for another week or so.

(4) State Legislation. Some bills we're keeping an eye on that affect coastal issues. The most interesting one is AB 1583. Assemblymember Paul Koretz will introduce legislation to prohibit smoking on public coastal beaches. He is seeing counties and cities passing smoking bans on the beaches and he's decided it needs to be a State law. This will probably stir up a lot of controversy.

Even though there was a change in administration, the new administration has been very similar to what was going on in the previous one. The two agencies--The State Parks Department and The Boating & Waterways Department-- are working well together. At the spring event, they showed up jointly and they are doing a lot of things together.

Regarding AB 586, last year it was a much more aggressive bill. The plastics interests in Sacramento are very strong and they keep beating Koretz down, and he keeps coming back with a new proposal. They're trying to cut down on the amount of litter that's getting into the streams and the ocean, and this bill would make the industry partly responsible.

AB 2690 has broad support in the Senate, but no one has been able to get an opinion out of Burton. That's where communications should be addressed. He's the one to wave the wand on this because he's so closely allied with the labor interests.

Council member Sharkey said he had written to the Governor regarding the Department of Boating and Waterways—reorganization or elimination—and inquired about the status. Mr.

Aceti said there had been complaints that the process has not been done in an open way. They missed the deadline (May 31), and now they will come out with a report some time in July. Comment period is three weeks—a very short time to comment on it, which probably means that they don't want comments. A lot of people don't know yet what's being proposed. The proposal Council member Sharkey asked about was to get rid of Boating and Waterways and wrapping it into State Parks. Right now, the beach programs have kind of a dedicated fund because Boating and Waterways taps into the Harbors Watercraft Fund. If the fund moves and the program doesn't move with it, there will be big problems.

SB 1318; SB 1319: Council member Sharkey inquired, in regard to Prop 50 funds—whether there will be limitations on where this can go. There's a chunk of money that everybody wants a piece of and people in the Assembly have things in their districts and they can say--well, eventually, it flows to the ocean. Are we going to get some limitations on where this can go and get back to the original tenet of the proposition?

Mr. Aceti said that's what everybody's trying to shoot for, but there are bills like Burton's bill, trying to re-write Prop 50, and a lot of people are just throwing up their hands. Under Secretary Nichols they created the new agency that's about a year old. It's not the Ocean Commission, but there was a new ocean program set up and they have a new executive director. The board consists of Mark Olson, Heal the Bay, some others you are familiar with, and the Ocean Protection Council. The complaint about Mary Nichols' new agency was that it was duplicative of Sea Grant and so now the Ocean Conservancy is behind the Burton bill. If it passes, it will create another sub-agency dealing with the ocean. There's still a big question mark as to where the money in Prop 50 is going to end up.

AB 2690. Council member Williams said there is a lot of concern by the labor unions that abuses have been taking place. For instance, a teacher decides to bid on a contract and then mandates that his students volunteer on the project.

AB 2093. Council member Williams said he thought this bill was an excellent one.

California Shore & Beach Preservation Association. Kevin Ready has served as a board member for the past two years, but he will be unable to continue. Two years prior to that, Mayor Brennan was BEACON's Board member. Council member Williams expressed interest in this assignment, and Mayor Brennan will fill him in on what the time commitments would be.

ITEM 4 (d) Receive reports on other projects within BEACON jurisdiction:

(1) Coastal Sediment Management Master Plan project

Gerald Comati: The agreement between Boating and Waterways and BEACON has been executed and Mayor Brennan has received back the fully signed copy. The scope of the project had three arms: One was a piece of money to continue the permitting process for the South Central Coast Beach Enhancement Program. The rest of the fund—the majority of it—was to be divided between a turbidity study and a sedimentation study. Boating and Waterways would like BEACON to release a RFP for the turbidity study effort, which will go out to other agencies. As far as the sedimentation portion, we're leaning toward the USGS as there are people there who have great experience in beach sedimentation studies. Mr. Comati will report back at the next board meeting.

(2) Santa Barbara Harbor Dredging

James Bailard: The Santa Barbara Harbor is in the process of renewing their 5-year dredging program. The previous contract wasn't very flexible so the contractor was able to dispose of the dredge close to the Harbor. In the future, there won't be added cost in moving it down coast. It will be built into the contract that it should be moved as far away from the Harbor as possible. If you move it down the coast, it doesn't come back as readily. The Biltmore contributed \$58,000 to augment the dredging program and pump the sand further down coast. Mr. Bailard hasn't done a beach profile, but he may be able to document the change, and then send the Biltmore a letter of thanks. Mr. Bailard will report back.

(3) Other Projects

Mayor Brennan and Chris Webb will meet with the Coastal Commission in the next couple of weeks regarding SCCBEP--the Opportunistic Beach Enhancement Program--trying to lay out just what it is. They will be getting together with Gary Timm from the Coastal Commission. There's a managed retreat project going on at Surfer's Point, and everybody's getting confused about what projects are really legitimate. In response to question from Chair Rose, Mayor Brennan said he would get back to her with a timeline.

Kiddie Beach. Mayor Brennan thanked Supervisor Flynn for the idea he brought up in regard to Kiddie Beach, to add more sand to that area to build the beach up. The opportunistic beach idea is to put clean sand from debris basins out there. Mayor Brennan will be discussing this further with Chris Webb and Supervisor Flynn and his office as to the progress.

Supervisor Flynn reported they have done all kinds of testing on the Kiddie Beach, which is a small beach on the east side of the Channel Islands Harbor. In looking at a map that was produced about 20 years ago, the beach seemed to be much deeper and broader. If we move that water line out, perhaps we'll get the water in a circulation that will take care of the contamination. There's not very much sand involved. The idea is to get the dredge operation of Channel Islands Harbor to focus some sand on Kiddie Beach and that may solve the problem.

Other sites for testing mentioned: Oxnard Shores, Goleta Beach Project, Carpinteria Salt Marsh Enhancement Plan, and Goleta Bay Kelp Restoration.

ITEM 5: Fiscal Year 2004-05 Budget

Mercy Griego, Ventura County Auditor's Office, gave an overview of the annual budget. The budget reflects decreases in staff and consultant costs from last year to reflect next year's anticipated level of activity. Total sources of funding available, including prior year fund balance, is \$534,874.

Mayor Brennan, who is taking over the Executive Director position, said he wants to put together a brochure that would demonstrate what BEACON does. It would be great to have them available at our member cities and when attending conferences--to try to get on the radar screen a little more.

Motion by Council member Zaragoza, seconded by Supervisor Flynn to approve Fiscal Year 2004-2005 Budget. Motion passed unanimously.

(Supervisor Flynn left the meeting at this time.)

ITEM 6: Army Corps of Engineers Section 227 Project, Oil Piers Reef

Susie Ming, Army Corps of Engineers, said their counsel needs more information regarding Article 18 from Kevin Ready.

Kevin Ready then read Article 18 in its entirety, with a correction to the second to last line on page 9 to read “In the event the budget or other means of appropriations does **not** provide funds in sufficient amounts to discharge these obligations, . . . “.

If the Corps is contracting with another federal or state agency, there’s a provision in the contract that we can’t be over-obligated for future years, meaning that the contract is a year-to-year contract. Mr. Ready’s position in the negotiation is that BEACON is in the same position because our charter does not allow us to bind financially our member agencies over and above what we have in the current fiscal year. Any multiple-year agreement is reliant on future appropriations to make it happen. The Corps is not necessarily in disagreement; they just want a chance to look at our joint powers agreement. Mr. Ready doesn’t think there’s a real problem; we just haven’t reached a meeting of the minds yet.

Chair Rose invited public comment.

Karl Triberg introduced Greg Burns, lobbyist with Howard Marlowe and Associates.

Gregory Burns: This document is very nebulous in the way you can read it. If there were problems that BEACON could not handle, Marlowe & Company would be ready to support them on the legislative end—to either get funding or remove liability for the project.

James Bailard said he thinks this is technically a good project, but it’s an experimental project. We don’t really know much about these types of structures in the long term. At some point in time, it will need repair, and we will need to spend some money.

Supervisor Schwartz said she thought that it’s very important to have these risks articulated, but we know that inherent in what this agency does, there’s going to be some risk-taking because we are dealing with a dynamic and novel technology.

Motion by Council member Williams, seconded by Supervisor Schwartz, to enter into a MOA with the Department of the Army. Motion passed by unanimous vote.

ITEM 7: Coast of California Storm and Tidal Wave Study

Gerald Comati indicated that the main issue at hand is the cost-sharing provision of the agreement. Total cost of the effort is estimated to be 2.78 million, of which the local sponsor has to contribute 50% (1.39 million). To date, Boating and Waterways has committed \$550,000, with another \$100,000 pending—so a likely \$650,000 from Boating and Waterways—which would contribute to the local share. In addition, Boating and Waterways has indicated that they will continue each year to try to reserve a piece of funding-\$100,000 or so—through the four-year effort. The commitment is non-binding, so if we don’t have enough matching or in-kind funds, then the Corps will only be able to go so far up to what we can contribute from a 50%-match standpoint. The agreement has been executed and sent off to the Corps.

Mr. Comati explained that the ongoing program has been in place for about 15 years. The first study was down in San Diego County, and then it progressed to Monterey, Orange, and L.A. Counties. The type of information that's generated will help fill in the gaps. It will start with what we already know about the coastline—the sand management study (by Noble Consultants) back in the late 80s. There is additional information that we need to address: For instance, why is Goleta Beach eroding? The techniques available now are substantially more than what was available back in the late 80s. Mr. Comati thinks it will generate valuable information for our member agencies, as well as for the Corps to use for potential projects in their area. The study will also help in getting federal grants because much of the background information you need for projects would apply.

Motion to accept the report was made by Council member Zaragoza, seconded by Council member Sharkey. Motion passed by unanimous vote.

ITEM 8: Fiscal Year 2004-2005 Annual Staff/Consultant Agreements

Gregory Burns of Marlowe and Company stated that his firm currently represents the Cities of Carpinteria, Imperial Beach, Solana Beach and San Clemente. All of these communities are involved in beach nourishment issues related to the Corps, unique to coastal communities. Should BEACON become more involved with Goleta Beach and involve Federal Government, they would want to provide some recommendations in dealing with legislators.

Mr. Burns indicated that his firm would be spending most of the time focusing on legislative language to protect BEACON should the 227 project ever fail. It would shift the responsibility from BEACON to the federal government. Another issue with the 227 program is to reauthorize the program so that the Corps has the ability to continue to construct and work on these projects. They are open to helping BEACON with whatever else they become interested in. Mr. Burns will be contacting board members individually. He will obtain email addresses from Rick Graves at BEACON.

Motion by Council member Sharkey, seconded by Council member Zaragoza, to approve Fiscal Year 2004-2005 Annual Staff/Consultant Agreements "a" through "f." Motion passed by unanimous vote.

ITEM 9: South Central Coast Beach Restoration Contract (Opportunistic Beach Fill Program)

Mayor Brennan said that this contract amendment extends the contract with Moffatt & Nichols for one more year.

Motion to approve the contract amendment was made by Council member Zaragoza, seconded by Supervisor Schwartz. Motion was approved by unanimous vote.

ITEM 10: Executive Director's Report and Communications

Mayor Brennan said his taking over the duties of Executive Director has been a group effort with Karl Triberg and Gerald Comati—who are sharing the role of Executive Director with him.

Mayor Brennan mentioned a recent phone call he had about Beacon's concept of using falcons at Kiddie Beach to keep the other birds away. The organization involved is called the "Beacon Foundation." Kevin Ready said this confusion has come up a number of times in the past 4-5 years and he has contacted the Beacon Foundation about it. The agreement was that they would always use lower case "Beacon" as opposed to all caps.

Per Coastal Commission request, Mayor Brennan is involved with bringing Surfrider and Homeowners Associations together in discussions as to how we see the beach growing. Mayor Brennan is attending the meetings as an interested citizen—not as a BEACON representative—but he will report back to this board.

After some discussion, it was decided to set September 10, 2004 for the next regular board meeting. Chair Rose directed that a new calendar be put together. The December 10th meeting date may be adjusted as well, and that can be done at the September 10th meeting. Members who were not present today should be informed of this change.

Chair Rose asked if there was further public comment. There was no further public comment.

ITEM 11. Adjourn to next regular meeting, September 10, 2004 at 9:00 a.m., at Carpinteria City Hall.

End of Agenda Items

Minutes respectfully submitted by Lilli Armitage,
Secretary to Brian Brennan, Executive Director, B.E.A.C.O.N.

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